

4. Plaintiff, Nemesio Castro, is an individual who resides in El Paso, TX.

5. Defendant Collecto, Inc. is a corporation chartered under the law of Massachusetts and does business in Texas. Defendant Collecto, Inc.'s principal offices are located at 700 Longwater Drive, Norwell, MA 02061. Defendant Collecto, Inc. conducts business using various assumed names, one of which is Collection Company of America. Its registered agent and office in Texas is Felicia Shade, 4099 McEwen, Suite 700, Dallas, TX 75244.

6. Defendant Collecto, Inc. is engaged in the business of collecting debts owed to others, using the mails and telephones for that purpose.

7. Defendant Collecto, Inc. is a debt collector as defined in the Federal Fair Debt Collection Practices Act hereinafter "FDCPA".

8. Defendant US Asset Management, Inc. is a corporation chartered under the law of Massachusetts and does business in Texas. Defendant US Asset Management, Inc.'s principal offices are located at 700 Longwater Drive, Norwell, MA 02061.

9. Defendant US Asset Management, Inc. is engaged in the business of collecting debts originally owed to others, using the mails and telephones for that purpose.

10. Defendant US Asset Management, Inc. is a debt collector as defined in the FDCPA.

11. The sole officer of Defendant US Asset Management, Inc. is Paul E. Leary, Jr., who is the chief executive officer of Collecto, Inc. Upon information and belief, the two entities are also owned by Paul E. Leary, Jr.

12. All actions of Defendant Collecto, Inc. referred to herein were taken as authorized agent of Defendant US Asset Management, Inc.

FACTS

13. Defendant Collecto, Inc.d/b/a Collection Company of America, sought to collect from Plaintiff an alleged cellular telephone debt alleged t be now owed to Defendant US Asset Management, Inc., and originally owed to Sprint PCS.

14. Any such debt would have been incurred for personal, family or household purposes.

15. On or about May 14, 2008, Defendant Collecto sent, or caused to be sent to Plaintiff, the letter attached hereto and marked as Exhibit A.

16. Exhibit A is a form letter.

17. Exhibit A states that "We wish to advise you that our client has authorized CCA to place your account with an attorney in your area for collection and/or legal action in our client's name."

18. Exhibit A further states that "Upon review of your account, if you are sued by the attorney, you may incur additional court costs which could substantially increase your outstanding balance."

19. At the time Exhibit A was sent, the debt was time-barred.

20. On June 4, 2008, Defendant Collecto sent Plaintiff the letter attached hereto and marked Exhibit B,

21. Exhibit B refers to the same alleged debt to which, Exhibit A refers.

22. Exhibit B is a form letter.

23. Exhibit B states that "We have verified assets in your name, including ownership of the property in which you reside, and the assessed value. Our client may use this information in evaluating further collection activity on this account. Send the full balance due today and avoid

further collection activity by our client.”

24. The sending of Exhibit B, following the sending of Exhibit A, reinforces the threat of suit, since the most obvious purpose of verifying assets is to seize them pursuant to a judgment.

VIOLATIONS ALLEGED

25. Defendants violated 15 U.S.C. §1692e, 1692e(5), 1692e(10) and 1692f by threatening suit on time-barred debts.

26. Section 1692e provides:

§ 1692e. False or misleading representations [Section 807 of P.L.]

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

... (2) The false representation of—

(A) the character, amount, or legal status of any debt;

... (5) The threat to take any action that cannot legally be taken or that is not intended to be taken. ...

(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

27. Section 1692f provides:

§ 1692f. Unfair practices [Section 808 of P.L.]

A debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt. ...

28. The same conduct by Defendants violated Texas Finance Code §392.304, “Fraudulent, Deceptive, or Misleading Representations,” which provides:

(a) Except as otherwise provided by this section, in debt collection or obtaining information concerning a consumer, a debt collector may not use a fraudulent, deceptive, or misleading representation that employs the following practices:

... (8) misrepresenting the character, extent, or amount of a consumer debt, or misrepresenting the consumer debt's status in a judicial or governmental proceeding;

... (19) using any other false representation or deceptive means to collect a debt or obtain information concerning a consumer. ...

CLASS ALLEGATIONS

29. Plaintiff brings this claim on behalf of a class, pursuant to Fed.R.Civ.P. 23(a) and 23(b)(3).

30. The class consists of (a) all individuals with Texas addresses (b) who were sent a letter in the form represented by Exhibit A, (c) seeking to collect a cellular telephone debt (d) which became delinquent more than 2 years prior to the sending of the letter in the form represented by Exhibit A, (e) which letter was sent on or after a date one year prior to the filing of this action and not more than 20 days after the filing of this action.

31. The class is so numerous that joinder of all members is not practicable. There are more than 40 individuals with Texas addresses who were sent a letter in the form represented by Exhibit A, which letter was sent on or after a date one year prior to the filing of this action and not more than 20 days after the filing of this action.

32. There are questions of law and fact common to the class, which common questions predominate over any questions relating to individual class members. The predominant common question is whether Exhibit A violates the FDCPA and the Texas Finance Code.

33. Plaintiff's claim is typical of the claims of the class members. All are based on the

same factual and legal theories.

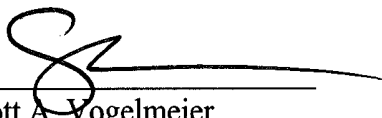
34. Plaintiff will fairly and adequately represent the class members. Plaintiff has retained counsel experienced in class actions and FDCPA litigation.

35. A class action is superior for the fair and efficient adjudication of this matter, in that:

- a. Individual actions are not economically feasible.
- b. Class members are likely to be unaware of their rights. The entire purpose of filing suits on time-barred debts is to obtain a default judgment by virtue of the fact that the Defendant does not realize that the debt is time-barred.
- c. Congress intended class actions to be the principal enforcement mechanism under the FDCPA.

WHEREFORE, the Court should enter judgment in favor of Plaintiff and the class members and against Defendants for:

- (1) Statutory damages;
- (2) Actual damages in favor of all persons sustaining them, including any and all payments made by class members on time barred debts in response to threats of suit;
- (3) Attorney's fees, litigation expenses and costs of suit;
- (4) Such other and further relief as the Court deems proper.

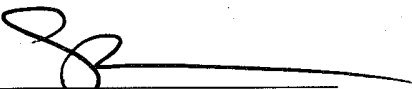


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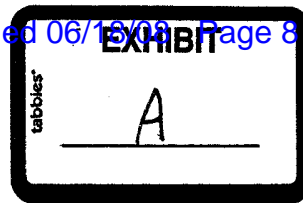
JURY DEMAND

Plaintiff demands trial by jury.



Scott A. Vogelmeier

COLLECTION COMPANY OF AMERICA
700 LONGWATER DRIVE
PO BOX 5055
NORWELL, MA 02061-5055
Phone Number: 1-781-753-4002
Toll Free : 1-800-268-9806



May 14, 2008

Office Hours:

Monday - Thursday: 8:00 AM - 9:00 PM ET
Friday: 8:00 AM - 5:00 PM ET
Saturday: 8:00 AM - 12:00 PM ET

NOTICE OF LEGAL PLACEMENT REVIEW

RE:

Your Account with our Client: **US ASSET MANAGEMENT INC**
Client Reference #: **0068736265**
Agency Account #: **20-2064597**
Original Creditor, if different from Client: **SPRINT PCS**

Principal:	\$	794.35
Interest:	\$	0.00
Fees/Coll Costs:	\$	0.00
Other Accounts:	\$	0.00
Total Due:	\$	794.35

We wish to advise you that our client has authorized CCA to place your account with an attorney in your area for collection and/or legal action in our client's name.

To avoid this from happening, we are authorized to offer you the following options:

1. **Resolve your account today and save \$100.00 by mailing your payment of \$694.35 to the address on the coupon below.
*Please make your check/money order payable to US ASSET MANAGEMENT INC.
Please mail your payment by 06/13/08 or contact us if paying by Western Union.
2. **Contact us today at 1-800-268-9806 to work out a satisfactory payment arrangement.*

To make a payment by touch tone phone, on the web or by credit card, please see reverse side.

Upon review of your account, if you are sued by the attorney, you may incur additional court costs which could substantially increase your outstanding balance.

This communication is from a debt collector. This is an attempt to collect a debt and any information will be used for that purpose.

PDP-2064597-58-051408-400-19633-78

✕ Detach Bottom Portion And Return With Payment ✕



CCA
PO BOX 5055
NORWELL, MA 02061-5055
FORWARD SERVICE REQUESTED

Account # : 20-2064597	Client Reference # : 0068736265	Total Due : \$794.35
Client : US ASSET MANAGEMENT INC		

\$100 OFF!

MAIL PAYMENT TO:

PERSONAL & CONFIDENTIAL
PDP-2064597-58-051408-400-19633-78



*****AUTO**MIXED AADC 601
NEMESIO CASTRO
7540 TAXCO DR
EL PASO TX 79915-2031



CCA
PO BOX 5055
NORWELL, MA 02061-5055

User ID: 1236637

Password: **202064597**

Credit Card Number

Check One:

[illegible]

3 Digit Card Verification #:

Payment Amount:	\$	Expiration Date:	/
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Card Holder Name

Signature of Card Holder

Date _____

For a detailed analysis of **CONFIDENTIAL** information, visit **www.fbi.gov/confidential** today.

CONFIDENTIAL

Authorized Signature: _____

SA [REDACTED] 1234567890

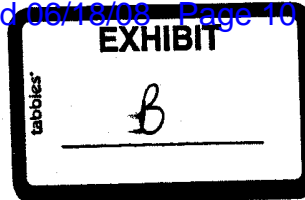
No writing, initials, or other markings should be made on this document.

This card is issued by the FBI to the [REDACTED] for the purpose of [REDACTED].

The [REDACTED] is to be used for [REDACTED].

1 Digit Card Verification Number _____

COLLECTION COMPANY OF AMERICA
700 LONGWATER DRIVE
PO BOX 5055
NORWELL, MA 02061-5055
Phone Number: 1-781-753-4002
Toll Free : 1-800-268-9806



June 4, 2008

Office Hours:

Monday - Thursday: 8:00 AM - 9:00 PM ET
Friday: 8:00 AM - 5:00 PM ET
Saturday: 8:00 AM - 12:00 PM ET

NOTICE OF ASSET REVIEW

RE:

Your Account with our Client: **US ASSET MANAGEMENT INC**
Client Reference #: **0068736265**
Agency Account #: **20-2064597**
Original Creditor, if different from Client: **SPRINT PCS**

Principal:	\$	794.35
Interest:	\$	0.00
Fees/Coll Costs:	\$	0.00
Other Accounts:	\$	0.00
Total Due:	\$	794.35

We had hoped that you would pay your outstanding balance under amicable terms; however, you have failed to do so.

We have verified assets in your name, including ownership of the property in which you reside, and the assessed value. Our client may use this information in evaluating further collection activity on this account.

Send the full balance due today and avoid further collection activity by our client.

If mailing your payment, please detach the coupon below and include with your payment in the enclosed envelope. Please complete the reverse side of the coupon if you wish to pay your bill with your credit card by mail.

This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

To make a payment by touch tone phone, on the web or by credit card, please see reverse side.

PDP-2064597-12-060408-400-07823-33

< Detach Bottom Portion And Return With Payment >



CCA
PO BOX 5055
NORWELL, MA 02061-5055
FORWARD SERVICE REQUESTED

Account # : 20-2064597	Client Reference # : 0068736265	Total Due : \$794.35
Client : US ASSET MANAGEMENT INC		

PERSONAL & CONFIDENTIAL

PDP-2064597-12-060408-400-07823-33



*****AUTO**MIXED AADC 601
NEMESIO CASTRO
7540 TAXCO DR
EL PASO TX 79915-2031



MAIL PAYMENT TO

CCA
PO BOX 5055
NORWELL, MA 02061-5055

PHONE OR WEB PAYMENT

To make an automated payment via your touch tone phone, please call 866-294-0331, or to make a secure on-line payment via the web, please visit www.paymybill.com. When prompted, please enter your User ID and Password as provided below.

User ID: **1236637**

Password: **202064597**

If you wish to pay by VISA or MasterCard, fill in the information below and return.

Credit Card Number	Check One:	<input type="checkbox"/> VISA	<input type="checkbox"/> MasterCard
<div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div>			
3 Digit Card Verification #:	<div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div>		
Payment Amount:	\$	Expiration Date:	/

Card Holder Name Signature of Card Holder Date

